HON'BLE SRI JUSTICE GOPALA KRISHNA TAMADA

W.P.No.6890 of 1998

Dated 31st day of January, 2007

Between:

Jayavarapu China Nagarathanamma
and six others
.. Petitioners

And

The District Collector,
West Godavari, Eluru and another ..
Respondents

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O R D E R:

This writ petition is filed seeking a mandamus to declare the action of the respondents in evicting the petitioners from their lands situated at P.Narayanapuram village, Jeelugumilli Mandal, West Godavari District, as illegal, arbitrary and in violation of the provisions of the Land Transfer Regulations and consequently direct them not to interfere with their peaceful possession and enjoyment of their lands.

The brief facts of the case are that the petitioners purchased dry lands situated in various survey numbers at P.Narayanapuram village, Jeelugumilli Mandal, West Godavari District, long back under registered sale deeds, developed them into cultivation lands and since then they have been in possession and enjoyment of them and paying taxes to the Government. Though, this Court in W.P.No.35164 of 1997, which was filed by the petitioners, directed the respondents not to evict them, the 2nd respondent, without following due process of law, is trying to dispossess them from their respective lands.

Heard the learned counsel for the petitioners and the learned Government Pleader for Revenue.

In the earlier round of litigation, the petitioners and other agriculturists of Narsugudem village, West Godavari District, filed a batch of writ petitions complaining that their village is wrongly declared or included in the scheduled area and consequently to order that all the laws

relating to the scheduled areas particularly Andhra Pradesh Scheduled Areas Land Transfer Regulation No.1 of 1959 as amended by Regulation 1 of 1970 should be declared as inoperative for their village. The Division Bench of this Court, by an order dated 29.10.1997, dismissed the batch of cases holding that they can approach the competent authority and bring to his notice as to why and how their village shall not be declared or included in the scheduled area. In fact, in those writ petitions, when an apprehension was expressed, the learned Judges were pleased to observe that the statutory authorities dealing with either civil or criminal jurisdiction will discharge their functions strictly in accordance with legal provisions governing the situation and principles of fair play not being over-awed or over-jealous by any consideration either tilting towards tribals or non-tribals, but in a balanced and fair manner. When once such a direction is given by this Court, again approaching this Court and filing this writ petition for the very same relief is unwarranted.

Hence, I see no merits in this writ petition and accordingly, the same is dismissed. No costs.

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31.01.2007
bcj